

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FILED - GR
February 10, 2014 10:44 AM
TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: mkc / SCANNED BY: hcr 2/11/14

ERIC FREDE AND
NANCY FREDE,

Plaintiffs,

v.

SALLIE MAE, INC.,

Defendant.

) Case No.:

) Hon.

) **Demand for Jury Trial**

1:14-cv-129

**Robert Holmes Bell
U.S. District Judge**

COMPLAINT AND JURY DEMAND

Plaintiffs, ERIC FREDE and NANCY FREDE (Plaintiffs), through attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, SALLIE MAE, INC., (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint alleges that Defendant negligently, knowingly and/or willfully violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (TCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 28 U.S.C. 1331.
3. Because Defendant conducts business in the State of Michigan, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiffs are each a natural person who resides in Walker, Kent County, Michigan.
6. Defendant is a business entity with its principal place of business at 12061 Bluemont Way, Reston, VA 20190.
7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. Defendant places collection calls to Plaintiffs seeking and attempting to collect on an alleged debt.
9. Defendant places collection calls to Plaintiff Eric Frede's cellular telephone at phone number (616) 340-89XX.
10. Defendant places collection calls to Plaintiff Nancy Frede's cellular telephone at phone number (616) 901-16XX.
11. Defendant places collection calls to Plaintiff from phone numbers including, but not limited to, 765-283-3321, 866-807-5586, 888-272-5543, 302-283-4046, 785-283-3321, 615-942-1221, 317-348-9985, 954-356-2868, 371-348-9985, 302-283-4088, 765-283-3395, 321-250-5621, 540-858-0015, 302-283-4040, 317-348-9959, 302-283-4041, 317-348-9960, 302-283-4046, 302-283-3321, 800-356-4282, 855-291-0552, 317-908-0813, 866-245-9291, 866-517-3096, 765-283-3394, 724-778-3980, 805-233-2099, 302-283-4045, 800-968-0145, and 800-448-3543.
12. Per its prior business practices, Defendant's calls were placed with an automated dialing system ("auto-dialer").

13. On July 1, 2013, at approximately 9:01 P.M. Eastern Time, Plaintiff Eric Frede placed a call to Defendant at 302-283-4044 and spoke with Defendant's representative, "Julie Anderson."
14. In the course of the telephone conversation on July 1, 2013, Plaintiff Eric Frede requested that Defendant cease placing collection calls to his cell phone and requested that Defendant correspond in writing only.
15. Plaintiff Eric Frede revoked any consent, explicit, implied, or otherwise, to call his cellular telephone and/or to receive Defendant's calls using an automatic telephone dialing system during the telephone call on July 1, 2013.
16. Despite Plaintiff's request to cease, Defendant placed at least three hundred and two (302) automated collection calls to Plaintiff Eric Frede.
17. Specifically, Defendant called Plaintiff as follows:
 - July 2, 2013: one (1) call at 8:14pm;
 - July 3, 2013: two (2) calls at 1:45pm and 7:23pm;
 - July 5, 2013: one (1) call at 12:35pm;
 - July 15, 2013: eight (8) calls at 9:39am, 11:46am, 12:44pm, 1:03pm, 1:17pm, 3:24pm, 5:07pm, 7:54pm;
 - July 16, 2013: seven (7) calls at 9:26am, 11:43am, 1:19pm, 2:55pm, 4:12pm, 5:11pm, 7:17pm;
 - July 17, 2013: eight (8) calls at 8:25am, 9:44am, 11:31am, 12:06pm, 1:27pm, 3:22pm, 4:57pm, 8:05pm;
 - July 18, 2013: five (5) calls at 1:41pm, 6:55pm, 7:08pm, 7:12pm, 7:13pm;
 - July 19, 2013: one (1) call at 8:05pm;

- July 22, 2013: two (2) calls at 11:52am, 1:10pm;
- July 27, 2013: four (4) calls at 8:38am, 10:30am, 1:42pm, 8:03pm;
- July 28, 2013: two (2) calls at 4:10pm, 8:07pm;
- July 29, 2013: seven (7) calls at 9:44am, 12:15pm, 1:34pm, 3:20pm, 4:59pm, 7:24pm, 7:25pm;
- July 30, 2013: eight (8) calls at 8:31am, 10:30am, 12:04pm, 1:09pm, 1:13pm, 5:06pm, 6:33pm, 8:05pm;
- July 31, 2013: seven (7) calls at 8:23am, 9:37am, 11:18am, 12:08pm, 12:17pm, 1:19pm, 3:36pm;
- August 1, 2013: two (2) calls at 02:32 pm and 06:58 pm;
- August 2, 2013: one (1) call at 10:47 am;
- August 3, 2013: two (2) calls at 08:48 am and 08:28 pm;
- August 4, 2013: one (1) call at 07:49 pm;
- August 6, 2013: two (2) calls at 03:39 pm and 08:51 pm;
- August 7, 2013: seven (7) calls at 10:34 am, 10:49 am, 11:16 am, 11:37 am, 01:44 pm, 05:05 pm and 08:48 pm;
- August 8, 2013: three (3) calls at 01:43 pm, 04:17 pm and 08:58 pm;
- August 9, 2013: three (3) calls at 08:49 am, 09:31 am and 11:11 am;
- August 12, 2013: six (6) calls at 10:51 am, 01:59 pm, 01:59 pm, 01:59 pm, 04:47 pm and 08:34 pm;
- August 13, 2013: three (3) calls at 01:18 pm, 04:08 pm and 08:53 pm;
- August 14, 2013: four (4) calls at 08:47 am, 12:57 pm, 04:31 pm and 08:32 pm;
- August 15, 2013: four (4) calls at 09:43 am, 01:51 pm, 04:27 pm and 08:59 pm;

- August 16, 2013: four (4) calls at 08:36 am, 12:12 pm, 04:16 pm and 07:46 pm;
- August 17, 2013: two (2) calls at 08:44 am and 07:41 pm;
- August 19, 2013: two (2) calls at 04:30 pm and 08:16 pm;
- August 20, 2013: seven (7) calls at 10:57 am, 12:42 pm, 01:56 pm, 02:05 pm, 02:06 pm, 04:23 pm and 08:50 pm;
- August 21, 2013: five (5) calls at 08:35 am, 10:40 am, 12:09 pm, 04:31 pm and 08:20 pm;
- August 22, 2013: two (2) calls at 09:33 am and 01:06 pm;
- September 3, 2013: one (1) call at 08:21 pm;
- September 4, 2013: one (1) call at 06:12 pm;
- September 5, 2013: one (1) call at 08:52 pm;
- September 6, 2013: one (1) call at 07:22 pm;
- September 7, 2013: one (1) call at 07:23 pm;
- September 8, 2013: one (1) call at 07:31 pm;
- September 9, 2013: one (1) call at 07:11 pm;
- September 11, 2013: one (1) call at 08:13 pm;
- September 12, 2013: one (1) call at 08:46 pm;
- September 13, 2013: one (1) call at 08:03 pm;
- September 14, 2013: one (1) call at 07:14 pm;
- September 15, 2013: one (1) call at 07:21 pm;
- September 16, 2013: three (3) calls at 10:20 am, 04:16 pm and 07:53 pm;
- September 18, 2013: one (1) call at 07:09 pm;

- September 19, 2013: four (4) calls at 02:24 pm, 04:23 pm, 06:08 pm and 07:25 pm;
- September 20, 2013: nine (9) calls at 08:12 am, 09:30 am, 11:39 am, 01:36 pm, 03:29 pm, 03:30 pm, 05:10 pm, 07:09 pm and 07:10 pm;
- September 21, 2013: five (5) calls at 08:07 am, 09:53 am, 11:51 am, 07:07 pm and 07:08 pm;
- September 22, 2013: three (3) calls at 10:13 am, 07:12 pm and 07:13 pm;
- September 23, 2013: seven (7) calls at 08:23 am, 10:11 am, 12:18 pm, 03:21 pm, 05:33 pm, 07:33 pm and 07:34 pm;
- September 29, 2013: one (1) call at 07:09 pm;
- September 30, 2013: one (1) call at 08:28 pm;
- October 1, 2013: one (1) call at 06:19 pm;
- October 2, 2013: four (4) calls at 12:31 pm, 04:14 pm, 05:45 pm and 05:46 pm;
- October 3, 2013: three (3) calls at 12:11 pm, 04:58 pm and 07:40 pm;
- October 4, 2013: seven (7) calls at 09:45 am, 11:59 pm, 03:11 pm, 04:25 pm, 06:57 pm, 08:04 pm and 06:58 pm;
- October 5, 2013: four (4) calls at 09:57 am, 10:25 am, 07:52 pm and 07:53 pm;
- October 6, 2013: one (1) call at 07:53 pm;
- October 9, 2013: one (1) call at 08:20 pm;
- October 10, 2013: four (4) calls at 12:18 pm, 02:59 pm, 04:33 pm and 07:37 pm;
- October 11, 2013: seven (7) calls at 08:07 am, 09:11 am, 12:09 pm, 12:09 pm, 03:38 pm, 07:12 pm and 08:33 pm;
- October 12, 2013: four (4) calls at 08:20 am, 09:50 am, 11:55 am and 07:46 pm;

- October 13, 2013: one (1) call at 07:46 pm;
- October 16, 2013: six (6) calls at 08:13 am, 09:51 am, 11:44 am, 01:20 pm, 03:17 pm and 04:30 pm;
- October 17, 2013: three (3) calls at 08:22 am, 04:05 pm and 07:42 pm;
- October 18, 2013: eight (8) calls at 08:06 am, 09:42 am, 10:51 am, 01:27 pm, 02:49 pm, 04:32 pm, 06:39 pm and 08:09 pm;
- October 19, 2013: one (1) call at 08:22 am;
- October 23, 2013: seven (7) calls at 08:20 am, 11:58 am, 11:59 am, 01:33 pm, 02:02 pm, 03:24 pm and 06:25 pm;
- October 24, 2013: five (5) calls at 08:33 am, 01:06 pm, 04:29 pm, 07:28 pm and 08:42 pm;
- October 25, 2013: seven (7) calls at 08:12 am, 09:22 am, 12:48 pm, 02:28 pm, 04:19 pm, 06:19 pm and 07:50 pm;
- October 26, 2013: one (1) call at 07:37 pm;
- October 27, 2013: one (1) call at 07:38 pm;
- October 30, 2013: five (5) calls at 08:29 am, 12:16 pm, 01:30 pm, 03:26 pm and 06:29 pm;
- October 31, 2013: five (5) calls at 08:19 am, 01:05 pm, 03:28 pm, 07:42 pm and 07:43 pm;
- November 1, 2013: one (1) call at 12:28 pm;
- November 2, 2013: three (3) calls at 10:32 am, 02:20 pm and 02:31 pm;
- November 3, 2013: one (1) call at 02:33 pm;
- November 4, 2013: one (1) call at 04:31 pm;

- November 5, 2013: two (2) calls at 04:59 pm and 08:20 pm;
- November 6, 2013: two (2) calls at 08:27 am and 08:28:26 pm;
- November 7, 2013: two (2) calls at 03:43 pm and 07:48 pm;
- November 8, 2013: one (1) call at 04:25 pm;
- November 9, 2013: two (2) calls at 09:48 am and 02:24 pm;
- November 10, 2013: one (1) calls at 02:23 pm;
- November 11, 2013: one (1) calls at 04:23:45 pm;
- November 12, 2013: one (1) calls at 09:09:47 am;
- November 13, 2013: three (3) calls at 10:43 am, 11:53 am and 05:22 pm;
- November 14, 2013: two (2) calls at 11:29 am and 03:52 pm;
- November 15, 2013: three (3) calls at 10:34 am, 04:13 pm and 04:40 pm;
- November 16, 2013: one (1) call at 08:49 am;
- November 24, 2013: one (1) call at 02:06 pm;
- November 25, 2013: one (1) call at 04:09 pm;
- November 26, 2013: four (4) calls at 04:48 pm, 07:27 pm, 07:55 pm and 08:02 pm;
- November 27, 2013: two (2) calls at 04:29 pm and 04:51 pm;
- November 28, 2013: one (1) call at 07:37 pm;
- November 29, 2013: one (1) call at 04:05 pm;
- November 30, 2013: two (2) calls at 11:53 am and 07:55 pm;
- December 12, 2013: one (1) call at 1:54pm;
- January 2, 2014: four (4) calls at 8:07am, 1:20pm, 2:35pm, 4:35pm;
- January 3, 2013: two (2) calls at 8:04am, 12:24pm;

- January 5, 2013: one (1) call at 8:12pm
18. On July 5, 2013, Plaintiff Nancy Frede spoke to Defendant's representative, "Bridget Brooks," and requested that Defendant cease calling and correspond in writing only.
19. Plaintiff Nancy Frede revoked any consent, explicit, implied, or otherwise, to call his cellular telephone and/or to receive Defendant's calls using an automatic telephone dialing system during the telephone call on July 5, 2013.
20. Despite Plaintiff's request to cease, Defendant placed at least four hundred and forty-seven (447) automated collection calls to Plaintiff Nancy Frede.
21. Specifically, Defendant called Plaintiff as follows:
- July 11, 2013: two (2) calls at 4:19pm and 6:30pm;
 - July 12, 2013: six (6) calls at 08:02pm, 05:17pm, 03:16pm, 01:16pm, 11:27am and 10:05am;
 - July 13, 2013: two (2) calls at 04:49pm and 03:34pm;
 - July 14, 2013: five (5) calls at 07:18pm, 05:52pm, 04:47pm, 03:24pm and 01:41pm;
 - July 15, 2013: ten (10) calls at 07:54pm, 05:07pm, 03:24pm, 01:17pm, 01:03pm, 12:44pm, 11:46am, 9:39am, 12:44pm and 01:03pm;
 - July 16, 2013: nine (9) calls at 08:04pm, 06:41pm, 05:11pm, 02:55pm, 01:15pm, 11:44am, 11:40am, 9:28am and 9:27am;
 - July 17, 2013: seven (7) calls at 08:06pm, 04:51pm, 03:14pm, 01:14pm, 11:22am, 9:38am and 8:26am;
 - July 18, 2013: two (2) calls at 01:43pm and 01:42 pm;
 - July 19, 2013: one (1) call at 08:46pm;

- July 22, 2013: three (3) calls at 03:14pm, 01:11pm and 11:53am;
- July 28, 2013: one (1) call at 08:03pm;
- July 29, 2013: ten (10) calls at 9:48am, 9:49am, 11:34am, 12:01pm, 01:11pm, 03:13pm, 04:50pm, 06:09pm, 07:25pm and 07:26pm;
- July 30, 2013: six (6) calls at 8:31am, 8:32am, 10:10am, 12:01pm, 05:07pm and 08:06pm;
- July 31, 2013: six (6) calls at 8:24am, 9:38am, 11:19am, 01:20pm, 03:37pm and 03:37;
- August 1, 2013: five (5) calls at 02:32pm, 02:32pm, 05:49pm, 06:58 and 06:59;
- August 2, 2013: one (2) calls at 10:47am and 10:48am;
- August 3, 2013: three (3) calls at 08:29pm, 08:28pm and 8:48am;
- August 4, 2013: four (2) calls at 07:50pm and 07:49pm;
- August 5, 2013: four (4) calls at 08:36pm, 05:56pm, 02:27pm and 02:27pm;
- August 6, 2013: three (3) calls at 08:52pm, 08:51pm and 03:39pm;
- August 7, 2013: four (4) calls at 08:30pm, 05:05pm, 01:44pm and 10:34am;
- August 8, 2013: four (4) calls at 08:44pm, 03:43pm, 01:43 and 01:43pm;
- August 9, 2013: seven (7) calls at 08:56pm, 07:01pm, 05:48pm, 04:37pm, 01:49pm, 8:50am and 8:49am;
- August 10, 2013: five (5) calls at 08:12pm, 08:10pm, 10:58am, 8:36am and 8:36pm;
- August 11, 2013: three (3) calls at 04:19pm, 06:08pm, and 06:07pm;
- August 12, 2013: four (4) calls at 08:24pm, 04:33pm, 01:24pm, and 10:52am;

- August 16, 2013: seven (7) calls at 07:17pm, 04:17pm, 04:16pm, 12:12pm, 10:41am, 8:36am and 8:37am;
- August 17, 2013: four (4) calls at 07:42pm, 07:41pm, 8:44am and 8:44am;
- August 18, 2013: two (2) calls at 06:00pm and 05:58pm;
- August 19, 2013: three (3) calls at 04:31pm, 12:41pm and 10:35am;
- August 20, 2013: six (6) calls at 08:38pm, 06:47pm, 03:40pm, 01:57pm, 12:45pm and 12:42pm;
- August 21, 2013: six (6) calls at 04:31pm, 12:09pm, 10:40am, 8:36am, 08:20pm and 08:21pm;
- August 22, 2013: three (3) calls at 9:34am, 9:33am and 12:54pm;
- September 6, 2013: two (2) calls at 7:23pm and 6:10pm;
- September 7, 2013: two (2) calls at 8:53pm and 7:25pm;
- September 8, 2013: one (1) call at 7:33pm;
- September 9, 2013: one (1) call at 7:12pm;
- September 11, 2013: one (1) call at 7:24pm;
- September 12, 2013: one (1) call at 8:48pm;
- September 13, 2013: one (1) call at 7:47pm;
- September 14, 2013: three (3) calls at 7:16am, 8:51am and 8:52pm;
- September 15, 2013: two (2) calls at 7:22pm and 7:28pm;
- September 16, 2013: seven (7) calls at 7:01pm, 5:36pm, 4:16pm, 3:24pm, 12:08pm, 9:43am and 8:23am;
- September 17, 2013: five (5) calls at 7:09pm, 4:02pm, 1:01pm, 11:19am, 8:18am and 9:28am;

- September 18, 2013: nine (9) calls at 6:24pm, 6:25pm, 4:27pm, 3:11pm, 1:12pm, 11:18am, 9:41am, 8:19am and 8:15am;
- September 19, 2013: seven (7) calls at 7:25pm, 6:08pm, 4:01pm, 12:09pm, 8:15am, 8:11am and 3:31pm;
- September 20, 2013: six (6) calls at 6:12pm, 4:15pm, 12:39pm, 11:15am, 9:18am and 8:13am;
- September 21, 2013: two (2) calls at 7:09pm and 8:51pm;
- September 22, 2013: one (1) call at 7:15pm;
- September 23, 2013: one (1) call at 7:17pm;
- September 24, 2013: one (1) call at 5:31pm;
- September 25, 2013: one (1) call at 7:30pm;
- September 27, 2013: six (6) calls at 3:08pm, 5:03pm, 1:24pm, 11:57am, 7:05pm and 7:04pm;
- September 28, 2013: seven (7) calls at 8:49pm, 7:08pm, 11:18am, 9:23am, 8:07am, 8:50pm and 7:09pm;
- September 29, 2013: two (2) calls at 7:10pm and 7:11pm;
- September 30, 2013: ten (10) calls at 6:21pm, 6:22pm, 3:38pm, 3:52pm, 1:37pm, 12:23pm, 10:37pm, 9:17am, 8:11am and 8:10am;
- October 2, 2013: seven (7) calls at 3:58pm, 1:43pm, 12:11pm, 9:30am, 8:18am, 5:10pm and 7:06pm;
- October 3, 2013: five (5) calls at 7:09pm, 4:37pm, 4:20pm, 12:15pm and 12:12pm;

- October 4, 2013: eight (8) calls at 6:37pm, 4:20pm, 3:14pm, 3:11pm, 11:32am, 9:21am, 8:08am and 8:05am;
- October 5, 2013: five (5) calls at 11:45am, 9:48am, 8:32am, 2:44pm and 2:45pm;
- October 8, 2013: three (3) calls at 5:04pm, 7:08pm and 8:28pm;
- October 9, 2013: eight (8) calls at 9:55am, 8:28am, 8:25am 1:37pm, 12:09 pm, 3:47pm, 5:42pm and 7:40pm;
- October 10, 2013: six (6) calls at 8:17am, 9:54am, 2:27pm, 12:19pm, 7:02pm and 4:05pm;
- October 11, 2013: ten (10) calls at 8:08am, 8:28am, 10:12am, 12:09pm, 3:39pm, 4:50pm, 6:33pm, 9:10am, 9:18am and 9:23am;
- October 12, 2013: five (5) calls at 8:21am, 8:22am, 9:35am, 11:40am and 7:47pm;
- October 13, 2013: three (3) calls at 7:48pm, 7:49pm and 8:37am;
- October 14, 2013: one (1) call at 9:57am;
- October 16, 2013: eight (8) calls at 9:25am, 8:14am , 11:29am, 1:10am 3:09pm, 3:09pm, 4:32pm and 6:09 pm;
- October 17, 2013: eight (8) calls at 8:25 am, 8:25 am, 9:49am, 9:49 am, 4:06pm, 4:08pm, 7:12pm and 8:44pm;
- October 18, 2013: eleven (11) calls at 8:06am, 8:07am, 9:23am, 10:30am, 12:56pm, 2:29pm, 4:16pm, 5:28pm, 6:39pm, 6:40pm and 8:11pm;
- October 19, 2013: six (6) calls at 8:22am, 8:23am, 9:46am, 11:49am.7:41pm and 7:43pm;
- October 20, 2013: two (2) calls at 7:45pm and 7:43pm;

- October 21, 2013: six (6) calls at 8:34am 9:53am, 12:32pm, 2:11pm, 4:14pm and 6:16pm;
- October 22, 2013: five (5) calls at 8:33am, 10:39am, 12:06pm, 12:09pm and 2:08pm;
- October 23, 2013: eight (8) calls at 6:08pm, 3:07pm 2:15pm, 1:09pm, 11:59am, 9:35am, 8:23am and 8:20am;
- October 24, 2013: six (6) calls at 7:08pm, 4:09pm, 1:09pm, 1:07pm, 10:21am and 8:39am;
- October 25, 2013: twelve (12) calls at 8:45 pm, 8:44pm, 7:38pm, 6:03pm, 4:08pm, 3:01pm, 2:14pm, 12:29pm, 9:22am, 9:23am, 9:25am and 8:12am;
- October 26, 2013: two (2) calls at 7:39pm and 7:36pm;
- October 27, 2013: two (4) calls at 7:38pm, 7:39pm, 7:38pm and 7:37pm;
- October 28, 2013: seven (7) calls at 4:07pm, 2:08pm, 12:26pm, 10:48am, 9:40am, 8:24am and 6:06pm;
- October 29, 2013: four (4) calls at 12:06pm, 12:09pm, 2:08pm and 9:39am;
- October 30, 2013: five (5) calls at 6:04pm, 3:02pm, 1:03pm, 11:42 am and 8:31am;
- October 31, 2013: five (5) calls at 10:24 am, 8:38am, 7:44pm, 3:09 pm and 1:09pm;
- November 2, 2013: four (4) calls at 2:30pm, 2:32pm, 10:32am and 10:33am;
- November 3, 2013: two (2) calls at 2:33pm and 2:32pm;
- November 4, 2013: two (2) calls at 4:33pm and 4:31pm;

- November 5, 2013: five (5) calls at 8:22pm, 8:21pm, 5:00pm, 4:59pm and 8:52am;
- November 6, 2013: two (2) calls at 5:28pm and 11:45am;
- November 7, 2013: five (5) calls at 7:48pm, 7:49pm, 7:50pm, 3:44pm and 3:45pm;
- November 8, 2013: five (5) calls at 1:39pm, 3:47pm, 4:25pm, 4:26pm and 4:27pm;
- November 9, 2013: five (5) calls at 2:23pm, 2:24pm, 5:00pm, 9:50am and 9:48am;
- November 25, 2013: two (2) calls at 4:09pm and 4:10pm;
- November 26, 2013: four (4) calls at 8:02pm, 8:04pm 4:58pm and 4:59pm;
- November 27, 2013: two (2) calls at 4:51pm and 4:52pm;
- November 28, 2013: two (2) calls at 7:37pm and 7:39pm;
- November 29, 2013: two (2) calls at 4:05 pm and 4:06 pm;
- November 30, 2013: four (4) calls at 7:55 pm, 7:56 pm, 11:53 am and 11:54 am;
- January 8, 2014: two (2) calls at 1:08pm, 9:03am;
- January 9, 2014: two (2) calls at 8:04am, 3:30pm;
- January 10, 2014: one (1) call at 1:18pm;
- January 15, 2014: one (1) call at 12:51pm,
- January 17, 2014: one (1) call at 12:50pm;
- January 20, 2014: two (2) calls at 10:47am, 3:34pm
- January 21, 2014: two (2) calls at 12:48pm, 3:16pm;
- January 22, 2014: one (1) call at 12:30pm;

- January 23, 2014: three (3) calls at 12:47pm, 2:33pm, 5:07pm

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

22. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiffs to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

23. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiffs to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

Wherefore, Plaintiffs, ERIC FREDE and NANCY FREDE, respectfully request judgment be entered against Defendant, SALLIE MAE, INC. for the following:

24. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
25. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
26. All court costs, witness fees and other fees incurred; and
27. Any other relief that this Honorable Court deems appropriate.

DATED: January 28, 2014

RESPECTFULLY SUBMITTED,
KROHN & MOSS, LTD.

By: _____

Ryan Lee
Krohn & Moss, Ltd.
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